

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In Re:

DEBRA JEAN SILVA,  
Debtor.

CHAPTER 7  
CASE NO. 09-19222-WCH

SOVEREIGN BANK,  
Plaintiff,

v.

ROBERT B. OUR CO., INC., ROCKLAND )  
TRUST COMPANY, EDWARD E. VEARA,) )  
HALLSMITH-SYSCO FOOD SERVICES, )  
LLC, ROYAL BANK AMERICA )  
LEASING, JOHN F. NOONS, INC., THE )  
COMMONWEALTH OF )  
MASSACHUSETTS, NICKERSON )  
LUMBER COMPANY, CAPE TIP )  
SEAFOOD, INC., TIMEPAYMENT )  
CORP., 85-87 SHANKPAINTER ROAD, )  
LLC, CLEMENT A. SILVA, individually )  
and as Trustee of the CLEMDEB REALTY )  
TRUST, DEBRA J. SILVA, as Trustee of )  
the CLEMDEB REALTY TRUST, and )  
STEPHEN E. SHAMBAN, as Chapter 7 )  
Trustee, )  
Defendants. )

ADVERSARY PROCEEDING  
CASE NO. 10-01205

MOTION TO WITHDRAW OPPOSITION FILED BY STEPHEN SHAMBAN TO  
MOTION FILED BY SOVEREIGN BANK FOR ATTORNEYS' FEES AND COSTS AND  
DISMISSAL AS PLAINTIFF IN INTERPLEADER ACTION

Now comes Chapter 7 Trustee, Stephen E. Shamban, and says:

11/02/2010 Granted.

*William F. Shamban*

1. On July 28, 2010, Sovereign Bank filed this adversary proceeding to deposit surplus proceeds from a foreclosure sale on real estate located at 85-87 Shank Painter Road, Provincetown, Massachusetts and require the defendants to resolve their claims to the surplus proceeds.
2. On September 17, 2010, Sovereign Bank filed a Motion for Attorneys' Fees and Costs and Dismissal as Plaintiff in the Interpleader Action.
3. On September 24, 2010 the Chapter 7 Trustee filed an Opposition to Sovereign Bank's Motion for Attorneys' Fees and Costs and Dismissal as Plaintiff in the Interpleader Action.
4. No other party filed an opposition, objection or other responsive pleading to Sovereign Bank's Motion for Attorneys' Fees and Costs and Dismissal as Plaintiff in the Interpleader Action.
5. On October 4, 2010, the Chapter 7 Trustee filed a Motion to Substitute as Plaintiff in the Interpleader Action.
6. On October 27, 2010, the Court allowed the Chapter 7 Trustee's Motion to Substitute as Plaintiff in the Interpleader Action.

7. The Chapter 7 Trustee has reviewed the Affidavit, statement and attachments with respect to the attorney's fees and costs of counsel for Sovereign Bank and has no objection to payment of the attorney's fees.

8. The Court has scheduled a hearing on October 29, 2010 at Barnstable Town Hall, Hyannis for the Motion for Attorneys' Fees and Costs and Dismissal as Plaintiff in the Interpleader Action and the only issue that remains is the compensation of attorney's fees and costs.

WHEREFORE, the Chapter 7 Trustee, Stephen E. Shamban, respectfully requests that this Honorable Court:

1. Grant him leave to withdraw his Opposition to Sovereign Bank's Motion for Attorneys' Fees and Costs and Dismissal as Plaintiff in the Interpleader Action; and
2. Enter an Order for such other and further relief as is meet and proper and as justice may require.

Respectfully submitted,  
STEPHEN E. SHAMBAN, CHAPTER 7 TRUSTEE  
By his Attorneys,  
STEPHEN E. SHAMBAN LAW OFFICES, P.C.

DATED: October 28, 2010 By: /s/Jenny L. Redden  
JENNY L. REDDEN (BBO# 645667)  
P.O. BOX 850973  
222 FORBES ROAD, STE. 208  
BRAINTREE, MA 02185-0973  
(781) 849-1136  
EMAIL: [jennylredde@yahoo.com](mailto:jennylredde@yahoo.com)

CERTIFICATE OF SERVICE

I, Jenny L. Redden, counsel to the Plaintiff, Stephen E. Shamban, Chapter 7 Trustee, herein certify that on October 28, 2010, I electronically filed with the Clerk of the Bankruptcy Court: MOTION TO WITHDRAW OPPOSITION FILED BY STEPHEN SHAMBAN TO MOTION FILED BY SOVEREIGN BANK FOR ATTORNEYS' FEES AND COSTS AND DISMISSAL AS PLAINTIFF IN INTERPLEADER ACTION and served same in the following manner upon the interested parties:

E-Mail Service: via the Court's CM/ECF system which sent notification of such filing to the following:

David T. Mazzuchelli mazzucheld@dor.state.ma.us  
Jessica Murphy jmurphy@mirickoconnell.com  
Brian D. Widegren brianwidegren@gmail.com  
Michael A. Wirtz [jmikels@gis.net](mailto:jmikels@gis.net)

Mail Service: via Regular, first-class United States mail, postage fully pre-paid, addressed to:

85-87 Shank Painter Road, LLC  
85 Shank Painter Road  
Provincetown, MA 02657-1344

Cape Tip Seafood, Inc.  
45A Court Street  
Provincetown, MA 02657

John F. Noons, Inc.  
6 Noons Heights Road  
North Truro, MA 02652

Kendra Mayer  
Haynes and Boone, LLP  
2323 Victory Avenue  
Dallas, TX 75219

Nickerson Lumber Company  
465 Route 134  
P.O. Box 1418  
South Dennis, MA 02660-1418

Royal Bank America Leasing  
550 Township Line Road, #425  
Blue Bell, PA 19422

Clement A. Silva  
PO Box 402  
N. Truro, MA 02652-0402

Debra J. Silva  
PO Box 402  
N. Truro, MA 02652-0402

Timepayment Corp.  
10M Commerce Way  
Woburn, MA 01801

Edward E. Veara  
828 Main Street  
Dennis, MA 02638-1904

/s/ Jenny L Redden

# Certificate of Service

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# CERTIFICATE OF NOTICE

District/off: 0101-1  
Case: 10-01205

User: elombard  
Form ID: pdf012

Page 1 of 1  
Total Noticed: 13

Date Rcvd: Nov 02, 2010

The following entities were noticed by first class mail on Nov 04, 2010.

aty +Brian D. Widegren, Law Office of Brian D. Widegren, 72 Route 28, Suite 6,  
West Harwich, MA 02671-1112

aty +David T. Mazzuchelli, MA Dept. Of Revenue, Litigation Bureau,  
100 Cambridge Street, Seventh floor, P.O. Box 9565, Boston, MA 02114-9565

aty +Jenny Redden, Stephen E. Shamban Law Offices, P.C., 222 Forbes Road,, Ste. 208,  
P.O. Box 850973, Braintree, MA 02185-0973

aty +Jessica Murphy, Mirick O'Connell DeMallie & Lougee, 100 Front Street,  
Worcester, MA 01608-1477

aty +Kendra Mayer, Haynes and Boone, LLP, 2323 Victory Avenue, Dallas, TX 75219-7673

aty +Michael A. Wirtz, Jack Mikels & Associates, LLP, 1 Batterymarch Park, Suite 309,  
Quincy, MA 02169-7484

ust +John Fitzgerald, Office of the US Trustee, J.W. McCormack Post Office & Courthouse,  
5 Post Office Sq., 10th Fl, Suite 1000, Boston, MA 02109-3934

dft +Clement A. Silva, PO Box 402, N. Truro, MA 02652-0402

dft +Debra J. Silva, PO Box 402, N. Truro, MA 02652-0402

dft +Hallsmith-Sysco Food Services, LLC, C/O Dorothy Hebert, 380 So. Worcester Street,  
Norton, MA 02766-3400

dft +Royal Bank America Leasing, 550 Township Line Road, 550 Township Line Road, #425,  
Blue Bell, PA 19422-2734

pla +Sovereign Bank, 446 Main Street, Worcester, MA 01608-2359

dft +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973

The following entities were noticed by electronic transmission on Nov 03, 2010.

ust +E-mail/Text: ustpregion01.bo.ecf@usdoj.gov John Fitzgerald,  
Office of the US Trustee, J.W. McCormack Post Office & Courthouse,  
5 Post Office Sq., 10th Fl, Suite 1000, Boston, MA 02109-3934

TOTAL: 1

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

dft 85-87 Shankpainter Road, LLC

dft Cape Tip Seafood, Inc.

dft Edward E. Veara

dft John F. Noons, Inc.

dft Nickerson Lumber Company

crd Robert B. Our Co., Inc.

dft Robert B. Our Co., Inc.

crd Rockland Trust Company

dft Rockland Trust Company

dft Timepayment Corp.

crc\* +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973

crc\* +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973

TOTALS: 10, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 04, 2010

Signature:

